

## STATEMENT OF FACTS

Your affiant, Tyler Novak, is a Special Agent (SA) with the Federal Bureau of Investigations (FBI) assigned to the Los Angeles Field Office, Long Beach Resident Agency. In my duties as a special agent, I specialize in the investigation of domestic-terrorism. I successfully completed the approximately 20 week New Agent Training at the FBI Academy in Quantico, Virginia. During that time, I received training in physical surveillance, legal statutes and procedures, confidential source management, and electronic surveillance techniques. I have also assisted with the execution of search warrants in cases involving domestic terrorism investigations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

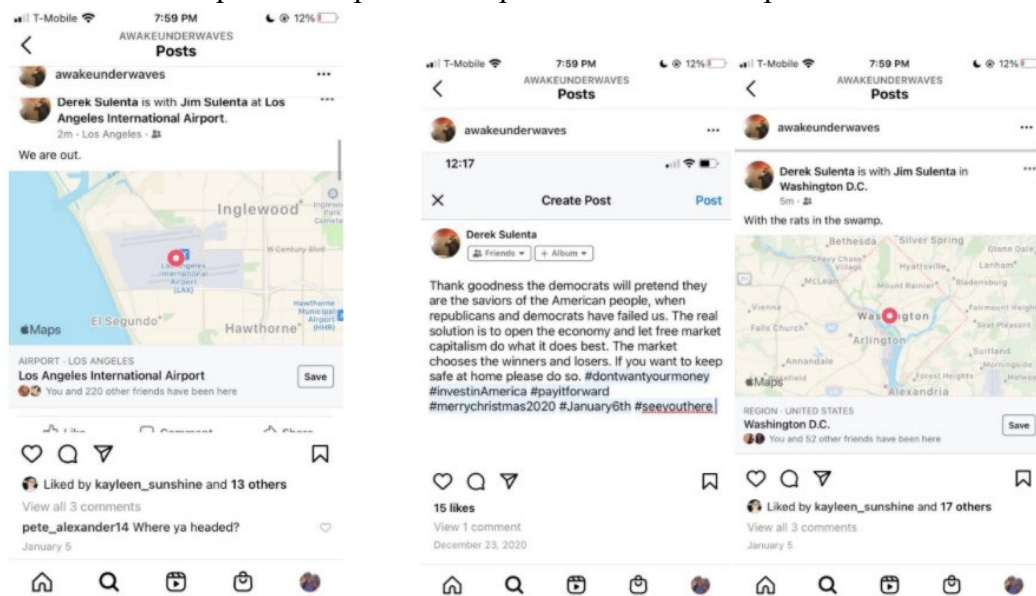
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice

President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

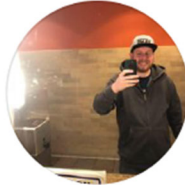
On February 18, 2021, a person identified as a relative of Derek Sulenta (“Sulenta”) submitted a public tip to the FBI identifying Sulenta as having entered the United States Capitol building on January 6, 2021. Specifically, the tipster provided photographs of Sulenta inside the U.S. Capitol from a Facebook Account identified by “dmoneyrollin24.” Posts from the account outline Sulenta’s travels from Los Angeles International Airport to Washington D.C. Additionally, the Facebook photographs contain captions such as “#January6th, #seeyouthere” and “With the rats in the swamp.” The tipster also provided Sulenta’s phone number as 951-259-XXXX.



Based on the provided information, FBI took additional investigative steps. A review of travel records confirmed that Sulenta travelled to Washington, D.C. on January 5, 2021. Sulenta’s Facebook Account is registered to “Derek Sulenta.” The phone number attributed to Sulenta’s Facebook Account (951-259-XXXX) is also subscribed to “Derek Sulenta.”

Law enforcement also conducted an online search for a Facebook account for “dmoneyrollin24.” It linked to the account that contained the below photo of Sulenta in which he is wearing similar clothing to that capture in the January 6, 2021, surveillance photos described in more detail below.

facebook



**Derek Sulenta**

Law enforcement also obtained a judicially authorized search warrant on Sulenta's Facebook account of "dmoneyrollin24" ("Sulenta's Facebook Account"). Sulenta's Facebook Account contained postings on December 23, 2020, stating, "I'll be there Jan 6<sup>th</sup> to support the president no matter what happens" and "That's the day he called for patriots to show up." On January 5, 2021, Sulenta's Facebook Account indicated Sulenta left from Los Angeles International Airport with the caption "we out." That evening, Sulenta's Facebook Account indicated his location in Washington, D.C. with the caption "with the rats in the swamp."

As indicated previously, Sulenta's Facebook Account also contained "selfies" of Sulenta at the U.S. Capitol on January 6, 2021, and indicated he had entered the Capitol as well.



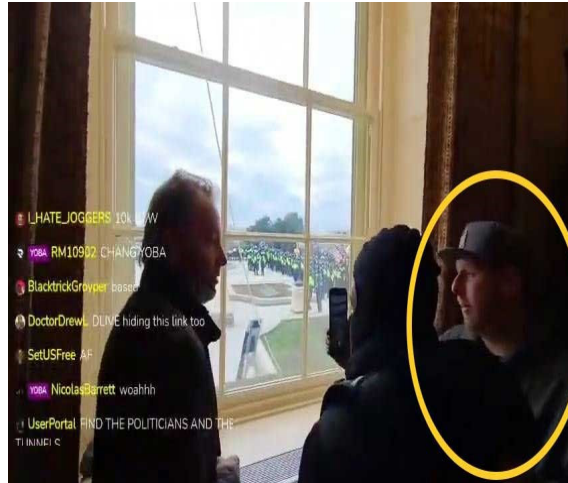
Sulenta's Facebook Account also contained a picture apparently taken by Sulenta from inside the U.S. Capitol with the caption, "Took this from inside the capital (sic) building"



A review of Capitol surveillance footage confirmed Sulenta entered the U.S. Capitol on January 6, 2021. The footage indicated Sulenta entered the U.S. Capitol through the Senate Wing door at approximately 2:26 p.m. that day. He then walked towards the U.S. Capitol crypt area talking on his phone and taking photographs.



A photograph from an open source Youtube video shows that Sulenta inside the U.S. Capitol, appearing to take photographs of the events of that day from inside a Senate room.



Sulenta eventually exited the U.S. Capitol at approximately 3:13 pm with others through the Senate Wing doors. In total, Sulenta was inside the U.S. Capitol building for approximately 47 minutes.



Sulenta's Facebook Account confirmed his involvement in the activities on January 6, 2021. It contained posts including, "Dude we breached the capital (sic) building" and "we got pushed back then a shitload more people came in and we went further." Furthermore, there was a post stating, "Inside the capital building. This is wild!"

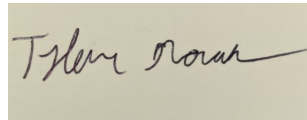
A comparison to Sulenta's California Driver's License photo shows a close resemblance to the individual in the Facebook photographs from within the U.S. Capitol as well as the individual observed in the CCTV footage inside the U.S. Capitol.

Based on the foregoing, your affiant submits that there is probable cause to believe that Derek Sulenta violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any



restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Derek Sulenta violated 40 U.S.C. § 5104(e)(2)(D)&(G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

A rectangular box containing a handwritten signature in dark ink. The signature appears to read "Tyler Novak" in a cursive script.

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Special Agent Tyler Novak  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6<sup>th</sup> day of June 2022.

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HONARABLE ZIA M. FARUQUI  
UNITED STATES MAGISTRATE JUDGE